

### **Remarks**

Claims 1 and 3-11 were pending.

Claims 1 and 11 are amended.

Claim 8 is original.

Claims 3-6 are as previously presented.

Claims 7, 9 and 10 are cancelled.

The application now contains claims 1, 3-6, 8 and 11.

Claim 1 is amended to insert a closed parenthesis after the terms "step a" and "step c" in steps b) and d) as suggested by the examiner. Claims 1 and 11 are amended to delete all reference to heterocyclic aromatic amines. Support can be found in now cancelled claim 7.

No new matter is added.

### **Objections**

Claim 1 is objected to for lacking a closed parenthesis after the terms "step a" and "step c" in steps b) and d). Applicants respectfully submit that the above amendments overcome the objections and kindly ask that they be withdrawn.

### **Rejections**

Claims 1-6 and 9-11 are rejected under 35 USC 102(b) as being anticipated by Struillou, EP 0752465 which discloses a method for the controlled release of alcohols, including biologically active alcohols, from betaine esters.

Applicants respectfully traverse the rejections. The instantly amended claims do not include heterocyclic aromatic amines and as detailed in the Applicants' previous response Struillou does not disclose the instant diamine containing at least one tertiary amino group of step b) in claim 1 of formula  $R_1R_2N-A-NR_3R_4$  wherein  $R_1$  and  $R_2$  are independently  $C_1-C_7$  alkyl,  $R_3$  and  $R_4$  are independently H or  $C_1-C_7$  alkyl and A is a  $C_1-C_7$  linear or branched alkyl chain.

Applicants therefore respectfully submit that the 102(b) rejections over Struillou of claims 1, 3-6 and 9-11 are addressed and are overcome and kindly ask that the rejections be withdrawn.

Claims 7 and 8 are rejected under 35 USC 103(a) over Struillou, EP 0752465 in view of Green, US 4,026,945 which discloses an antimicrobial co-polymer of a tertiary diamine and 1,4-dichloro-2-butene.

Applicants respectfully traverse the rejections. The Action states that it obvious to select a known ingredient for a composition with the expectation of obtaining their known function and therefore it is obvious to select the diamine of Green motivated by the desire to obtain a substance with antimicrobial activity.

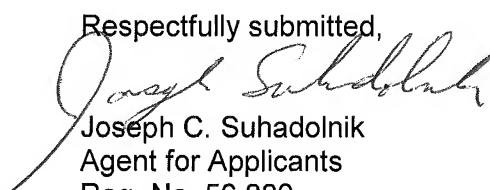
Applicants respectfully point out that Green discloses the preparation of an antimicrobial cationic amino polymer which are well known to have biocidal activity. However, that is not Applicants' invention wherein the biologically active substance is hydroxyl group containing substance.

Applicants' invention provides a method for the controlled release of a biologically active hydroxyl group containing substance which includes the formation of ammonium salt containing aqueous soluble esters and the subsequent hydrolysis of the esters liberating the active substance. Green prepares a hydrolytically stable polymer which neither contains the instant active substance or any ester at all. Applicants therefore respectfully submit that there is no suggestion in Green to either prepare the instant esters or use the hydrolysis thereof as a means of releasing an active substance.

Applicants respectfully submit that the 103(a) rejections over Struillou, EP 0752465 in view of Green, US 4,026,945 are overcome and kindly ask that the rejections be withdrawn.

Applicants respectfully submit all objections and rejections are addressed and are overcome and kindly ask that they be withdrawn and that claims 1, 3-6 and 11 be found allowable. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,

  
Joseph C. Suhadolnik  
Agent for Applicants  
Reg. No. 56,880  
filed under 37 CFR 1.34(a)

Ciba Specialty Chemicals Corporation  
Patent Department  
540 White Plains Road  
P.O. Box 2005  
Tarrytown, NY 10591-9005  
Tel. (914) 785-2973  
Fax (914) 785-7102